

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE COMMONWEALTH OF MASSACHUSETTS

MANUEL VERA BETANCOURT (PRO SE) A # 22-790-964
V.

IMMIGRATION AND NATURALIZATION SERVICE
JOHN ASHCROFT, ATTORNEY GENERAL
STEVE FARQUHARSON, DHS DIRECTOR
BOSTON DISTRICT OFFICE

AFFIDAVIT OF PETITIONER
MANUEL VERA BETANCOURT

I, MANUEL VERA BETANCOURT, DO ON OATH DEPOSE
SWEAR AND SAY THAT:

I WAS BORN ON JUNE 17, 1956 IN GUANTANAMO, CUBA
AND ARRIVED IN KEY WEST, FLORIDA ON MAY 2, 1980.
I AM NOW INCARCERATED AT PLYMOUTH CORRECTIONAL
FACILITY, 26 LONG POND RD, PLYMOUTH, MA. 02360.

I AM MARRIED TO MONICA VAREGAS, AGE 36, LIVING
IN ENGLEWOOD, NJ WITH MY DAUGHTER, ^{DANIELLE} ~~MONICA~~, AGE 2.
MY WIFE IS A LEGAL RESIDENT OF THE UNITED STATES.

I AM WRITING THIS AFFIDAVIT TO SUPPORT MY PETITION FOR WRIT OF HABEAS CORPUS IN WHICH I AM PLEADING FOR IMMEDIATE RELEASE OF CUSTODY FROM INS AND PLYMOUTH COUNTY CORRECTIONAL FACILITY.

I BELIEVE THIS HISTORY OF MY CASE IS RELEVANT TO MY PETITION AND TO THE BEST OF MY ABILITY I SUMMARIZE AS FOLLOWS:

ON OR ABOUT JUNE 12, 2002 I WAS ARRESTED FOR A DRUG POSSESSION CHARGE IN RHODE ISLAND.

ON JUNE 13, 2002, INS REQUESTED I BE "DETAINED".

ON OR ABOUT NOVEMBER 2002, I WAS SENTENCED FOR THIS CRIME TO 1 1/2 YEAR PROBATION AND 1 1/2 YEAR SUSPENDED SENTENCE. BUT FOR THE INS "DETAINED" I SHOULD HAVE BEEN RELEASED.

ON OR ABOUT DECEMBER 16, 2002 I FILED A WRIT OF HABEAS CORPUS TO THE DISTRICT OF RHODE ISLAND WHERE I WAS ORIGINALLY INCARCERATED.

ON OR ABOUT JAN 24, 2003 MY STATUS OF INS "DETAINEE" BECAME IN "CUSTODY" OF INS.

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ON OR ABOUT MARCH 31, 2003 MY PETITION ~~TO~~ FOR ~~REAR~~ RELEASE IN MY HABEAS CORPUS FILING WAS DISMISSED ON A TECHNICALITY THAT I HAD TO BEEN IN I.N.S. CUSTODY FOR THE SIX MONTH PERIOD AS I HAD CLAIMED BECAUSE INITIALLY I WAS MERELY "DETAINED" BY THE I.N.S.

ON OR ABOUT APRIL 8, 2003, I WAS ORDERED TO BE DEPORTED BY AN IMMIGRATION JUDGE

ON OR ABOUT SEPTEMBER 12, 2003, I FILED ANOTHER PETITION FOR HABEAS CORPUS

ON OR ABOUT DECEMBER 18, 2003, MY MOTION FOR RELEASE WAS DISMISSED ON THE BASIS AND SUGGESTION BY U.S. MAGISTRATE JUDGE ROBERT W. LOVEGREEN THAT I RESUBMIT ANOTHER PETITION WITH MORE DETAILS AND TO DEMONSTRATE MY REMOVAL TO CUBA IS "IMPOSSIBLE OR IS NOT SIGNIFICANTLY LIKELY IN THE FORESEEABLE FUTURE".

(I ENCLOSE A COPY OF THIS REPORT)

ON OR ABOUT DEC-23, 2003 I TRIED TO RESPOND IN A TIMELY BASIS TO THE DEC 18, 2003 REPORT

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ON OR ABOUT MARCH 17, 2004, MAGISTRATE JUDGE LOVEGREEN DENIES MY RESPONSE BECAUSE OF JURISDICTIONAL ISSUES BECAUSE I WAS INVOLUNTARILY MOVED FROM PITCIE ISLAND TO MASSACHUSETTS.

THE ABOVE HISTORICAL SUMMARY SEEMS RELEVANT IN VIEW OF THE FACT I REMAIN INCARCERATED WITHOUT LEGAL DUE PROCESS AND DUE TO "TECHNICALITIES" OR BEING DETAINED V.S. IN CUSTODY, FOLLOWED BY JURISDICTIONAL ISSUES BEYOND MY CONTROL.

MAGISTRATE JUDGE LOVEGREEN'S REPORT REQUESTS I PROVIDE ADDITIONAL DETAIL TO SUPPORT MY REMOVAL TO CUBA IS "IMPOSSIBLE" OR "NOT SIGNIFICANTLY" LIKELY IN THE FORESEEABLE FUTURE; AND I REPLY:

- ① I HAVE NO PASSPORT.
- ② THE UNITED STATES WILL NOT ISSUE ME A PASSPORT
- ③ CUBA WILL NOT ISSUE ME A PASSPORT.
- ④ THERE IS A HISTORY FOR OVER TWENTY YEARS OF PEOPLE IN SIMILAR CIRCUMSTANCES WHO ARE NOT DEPORTABLE.

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- ⑤ THERE ARE NO COUNTRIES WHO WILL ACCEPT ME WITHOUT A PASSPORT.
- ⑥ AND FINALLY, I KNOW OF NO COUNTRIES WILLING TO ISSUE ME (OR THOSE LIKE ME) A PASSPORT.

THEREFORE,

IT SEEMS IMPOSSIBLE FOR ME TO BE DEPORTED ANYWHERE IN THE FUTURE ON ANY BASIS.

I WOULD FURTHER SUGGEST THIS BUREAU OF PROOF SHOULD NOT REST ENTIRELY ON ME INsofar AS THE I.N.S. SHOULD ALSO BE REQUIRED TO OFFER EVIDENCE TO THE CONTRARY. THAT IS TO SAY, WHAT CREDIBLE EVIDENCE CAN THEY PROVIDE TO SHOW IT IS REASONABLE TO EXPECT I CAN BE DEPORTED IN A SIX MONTH PERIOD FROM THE DATE OF MY I.N.S. CUSTODY?

GIVEN THE FACTS THAT I WAS ORDERED TO BE DEPORTED ON APRIL 8, 2003, NEARLY 18 MONTHS AGO IT SEEMS QUITE OBVIOUS THAT I.N.S IS UNABLE TO DEPORT ME AND I CANNOT DEPORT MYSELF.


(6)

THEREFORE, I BELIEVE THERE IS AMPLE AND SUFFICIENT EVIDENCE AND UNCONTESTED FACTS TO DEMONSTRATE MY REMOVAL/DEPORTATION TO CUBA IS CLOSER TO "IMPOSSIBLE" THAN "NOT SIGNIFICANTLY LIKELY" IN ANY FORESEEABLE FUTURE LET ALONE ONE THAT IS CONSIDERED "REASONABLE" AS DEFINED BY THE SUPREME COURT TO NOT EXCEED SIX MONTHS.

FINALLY, I BELIEVE IT IS A GROSS INJUSTICE FOR THE I.N.S. TO PLACE ANYONE IN CUSTODY FOR NEARLY TWO YEARS WHEN THE I.N.S. KNOWS I CANNOT BE DEPORTED, DUE TO MY CIRCUMSTANCES WHICH ARE VERY SIMILAR TO OTHERS WHO ARRIVED FROM CUBA DURING THAT PERIOD.

FOR THESE REASONS IN COMBINATION WITH MY PETITION OF WRIT FOR HABEAS CORPUS AND I READ THIS COURT TO RELEASE ME IMMEDIATELY

SIGNED THIS 22ND DAY OF AUGUST 2004 UNDER THIS TIRE PAINS AND PENALTIES OF PERJURY,
SO HELP ME GOD.


MANUEL VERA BETANCOURT